

Congress of the United States
House of Representatives
Washington, DC 20515-4403

1196

December 1, 2015

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Wheeler:

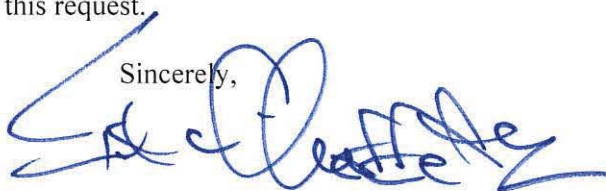
On October 26, 2012, Emery Telcom (Emery) filed a petition for a waiver of Federal Communications Commission rules related to revenue reporting “to permit [it] to include within its Base Period Revenues amounts received after March 31, 2012.”¹ According to Emery’s petition, the waiver is necessary to correct a “billing configuration error” that affects the company’s eligibility to participate in the Connect America Fund,² which, according to the FCC, will “expand the benefits of high-speed Internet to millions of consumers in every part of the country.”³

On November 9, 2012, the FCC solicited public comments regarding the waiver.⁴ It is my understanding that there were no comments filed in opposition to Emery’s waiver request.

Since then, Emery has contacted and met with various FCC officials regarding the status of its petition as part of an effort to move the FCC toward a resolution. More than three years later, however, the waiver is still pending. During that time, Emery has submitted multiple filings in support of its petition and visited the FCC to provide additional information. No one at the FCC, including you, has indicated that there are issues with the petition, but the FCC has taken no action.

In light of these facts, I request that you review the status of Emery’s petition and provide a date by which you expect the FCC to act on it. Please contact Fred Ferguson, my Chief of Staff, at (202) 225-7751 with any questions about this request.

Sincerely,



Jason Chaffetz
Chairman

¹ Emery Telcom Petition for Limited Waiver of 47 C.F.R. 51.917(c)(ii), CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WC Docket Nos. 03-109, 05-337, 07-135, 10-90, WT Docket No. 10-208 (filed Oct. 26, 2012).

² FCC Public Notice, Bureau Seeks Comment on Emery Telecom (sic) Petition for Limited Waiver” (Nov. 9, 2012), available at <https://www.fcc.gov/document/bureau-seeks-comment-emery-telecom-petition-limited-waiver> (last accessed Dec. 1, 2015). [hereinafter FCC Public Notice]

³ FCC website, “Connect America Fund,” available at <https://www.fcc.gov/encyclopedia/connecting-america> (last accessed Dec. 1, 2015).

⁴ FCC Public Notice, *supra* note 2.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 14, 2016

The Honorable Jason Chaffetz
Chairman
Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Chaffetz:

Thank you for your letter regarding a petition filed by Emery Telcom (Emery) for a limited waiver of the Commission's intercarrier compensation revenue recovery rules for rate of return carriers. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

As you note, the Commission's Wireline Competition Bureau (WCB) released a Public Notice seeking comment on Emery's petition, and the comment cycles on the matter have been completed. Commission staff is carefully reviewing the record in the proceeding, including a letter Emery filed on February 4, 2016, which clarifies the facts underlying its petition. In addition, Commission staff has met with representatives of Emery to further discuss their views on the waiver petition. I appreciate your concerns on the length of time involved in the disposition of this matter, and I can assure you that we will take into consideration the issues and concerns presented by all stakeholders as the Commission makes every effort to conclude its review as quickly and equitably as possible.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler